

PROB 12C
(7/93)

Report Date: November 15, 2012

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
NOV 15 2012
JAMES R. LARSEN
SPOKANE, WASHINGTON DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Gabriel Joshua Kindness

Case Number: 2:09CR02099-001 &
2:11CR00118-001

Address of Offender: transient/homeless, [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
The Honorable Cynthia Imbrogno, U.S. Magistrate Judge

Date of Original Sentence:

2:09CR02099-001: 05/11/2010

2:11CR00118-001: 08/08/2011

Original Offense: 2:09CR02099-001
Possession of Unregistered Firearm, 26 U.S.C. § 5861
2:11CR00118-001
Obstruction of Court Orders, 18 U.S.C. § 1509

Original Sentence: 2:09CR02099-001: Prison - 24 Months; TSR - 36 Months
2:11CR00118-001: Prison - 4 Months; TSR - 12 Months
Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alexander Carl Ekstrom

Date Supervision Commenced: 8/1/2012

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires:
2:09CR02099-001: 02/28/2015
2:11CR00118-001: 02/28/2013

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

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Supporting Evidence: Mr. Kindness walked out of inpatient drug and alcohol treatment at James Oldham Treatment Center (JOTC) on October 27, 2012.

On October 26, 2012, staff from JOTC confirmed Mr. Kindness entered a 28-day inpatient drug and alcohol treatment program at this facility. On November 15, 2012, this officer called JOTC and was informed that Mr. Kindness walked out of their facility on October 27, 2012.

- 2 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Kindness failed to submit his monthly report form within the first 5 days for the month of November 2012.

- 3 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kindness failed to submit to a random urinalysis test on November 13, 2012.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/15/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


 Signature of Judicial Officer

Nov 15 2012
 Date